



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA 2005111

Variance

Hearing Date:

August 17, 2005

Agenda Item:

4

Supervisory District:

4

Applicant:

Dan Demland

Owner:

Gerald Raynor, Skyhawk Land LLC

Request:

Variance to permit:

A proposed single-family residence to setback 27.75 feet from the rear (west) property line where 40 feet is the minimum required in the Rural-43 zoning district.

This variance is requested from the following Zoning Ordinance Section(s):

Section 503, Article 503.4.3

Site Location:

25120 W. Patton Road – US Highway 60 and Patton Road (Wittmann area)

Site Size:

48,585-square feet (1.11 acres)

Existing Zoning:

Rural-43

Current Use:

Residential

Citizen

Support/Opposition:

None known

Staff

Recommendation:

Approve with stipulations

Existing On-Site and Surrounding Zoning:

1. On-site: Rural-43
North: Rural-43
South: Rural-43
East: Rural-43
West: Rural-43

Existing On-Site and Surrounding Land Use:

2. On-site: Vacant
North: Vacant
South: Patton Road then vacant
East: 251st Avenue then vacant
West: Vacant

Background:

3. **March 20, 2002:** The subject was created via a lot split from the 4.11-acre parent parcel (503-32-030).
4. **January 14, 2005:** The applicant took ownership of the subject site (503-32-030D) via a Warranty Deed recorded under docket number **2005-0059779**.
5. **April 19, 2005:** The applicant applied for a building permit **B200505174**, for the construction of a single-family residence on the subject site.
6. **July 5, 2005:** The applicant applied for the subject variance under case **BA2005111**.

Findings:

7. **Maricopa County Department of Transportation:** No response at the time this report was written.
8. **Flood Control District:** The Flood Control District has some concerns regarding the location of the subject site within a potential floodplain/floodway area. A Floodplain Use Permit must be obtained from the Flood Control District prior to construction on the subject site (See attached memo).
9. **Environmental Services Department:** No objection to the request (See attached memo).

Site Analysis:

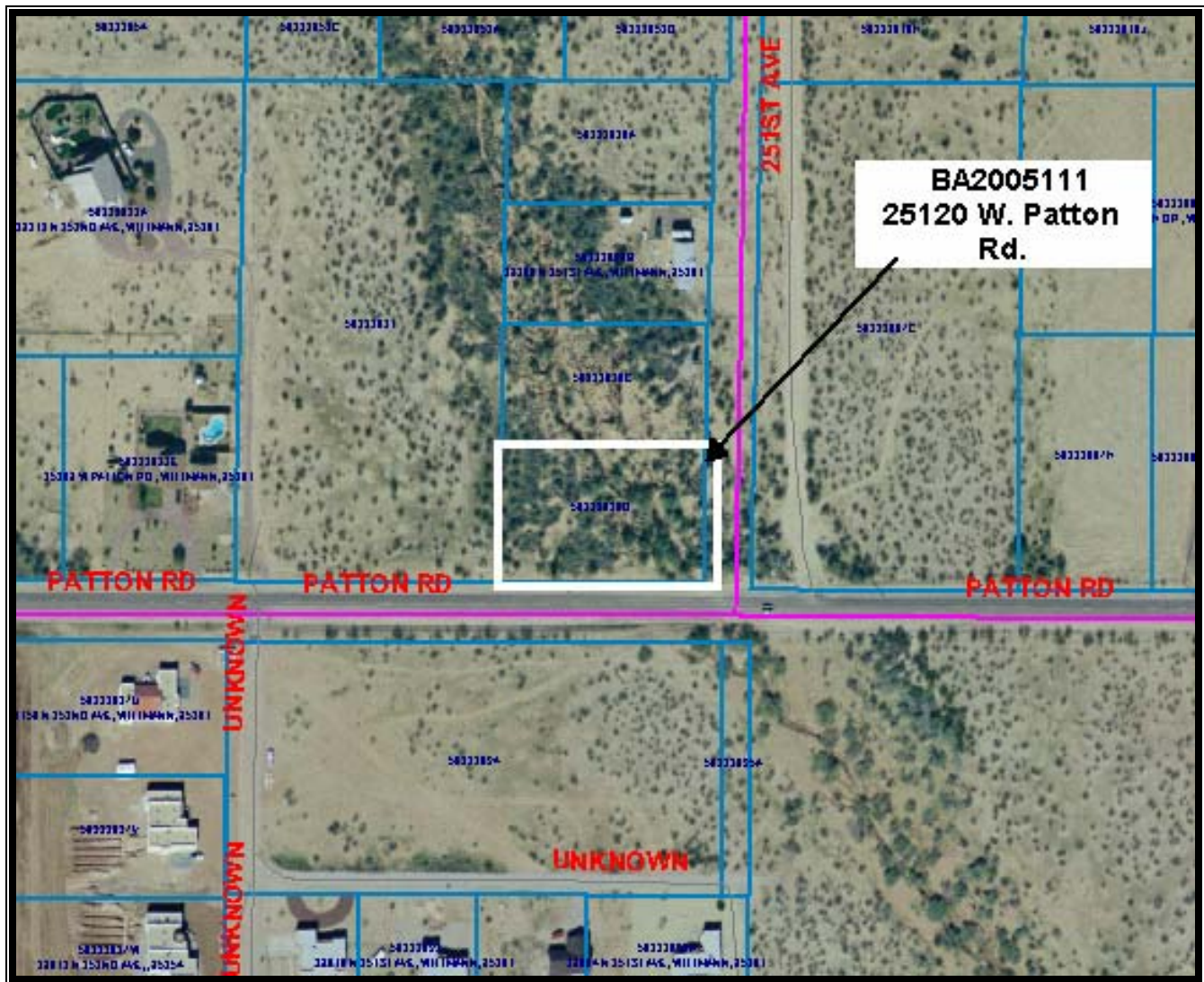
10. The subject site is located directly west of 251st Avenue and directly north of Patton Road, approximately 6.5-miles west of US Highway 60 in the Wittmann area. The subject site is a rectangular shaped lot measuring 167.05 feet in width and 290.08 feet in depth. The total site encompasses a total area of approximately 48,585-square feet (1.11 acres).
11. Access to the site is proposed to be provided via Patton Road instead of 251st Avenue, which is considered the front of the subject site. Staff notes that both Patton Road and 251st Avenue, which abut the east and south property lines of the site, are designated as section-line roads by the Maricopa County Department of Transportation (MCDOT). A section-line road requires a 55-foot of right-of-way dedication. Staff has not received any notification that the amount of right-of-way required will be reduced by the Department of Transportation for either section-line road, adjacent to the subject site.
12. There is a significant wash that crosses the center portion of the subject site diagonally in a northwest to southeast direction. On either side of the existing wash the subject site is relatively level. There is existing natural vegetation, consisting of native shrubs and trees, located throughout the site. Currently, the subject site is undeveloped with no existing structures; however, the applicant proposes to build a 3,932-square foot single-family residence with an attached two-car garage and covered patio. The proposed residence is to be located on the western portion of the subject site in order to avoid the existing wash.
13. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

Standard	Rural-43 (Zoning District)	Proposed Standard
Front Yard Setback	55-feet**	185-feet
Rear Yard Setback	40-feet	27.75-feet
Side Yard Setback	30-feet	35-feet
Street Side Setback	35-feet***	35-feet
Maximum Height	30 feet/ 2 stories	18 feet/ 1-story
Minimum Lot Area	43,560-sq. ft.	48,585-sq. ft.
Minimum Lot Width	145-feet	167.59-feet
Lot Coverage	15%	8.1%

*Standards indicated in **bold** do not meet minimum base zoning standards.

**Includes an additional 15-foot for MCDOT right-of-way dedication along 251st Ave.

***Includes an additional 15-foot for MCDOT right-of-way dedication along Patton Rd.



Aerial photograph of subject site and surroundings.

Land Use Analysis:

14. The subject site is located in an area in the early stages of transition from sparsely settled rural homes to a more of a large-lot, rural residential character. The subject property is surrounded by a mix of single-family homes that range from basic manufactured homes to larger site-built homes more commonly found in suburban neighborhoods. The subject property and the immediate area is zoned Rural-43 and is relatively undeveloped. Much of the residential settlement of this area is the result of lot splitting. Currently, the only subdivision within one-mile of the subject site is the Patton Place Estates Subdivision which is located less than ¼-mile to the northeast. The general terrain of the immediate area is fairly level; however, there are numerous washes that cross the area in a northwesterly to southeasterly direction. Vegetation in the area is sporadic with the majority of vegetation coinciding with the existing wash beds.

15. The City of Surprise corporate limits are located approximately 1.5-miles to the southeast of the subject site. Additionally, the subject site is located one mile west of Luke Air Force Base Aux. Field #1 vicinity, approximately four miles to the northwest of the landing strip and less than one-mile from the designated Accident Potential Zone 2 and thus is subject to approximately 12,000 low-altitude, military over-flights per year.
16. Staff research indicates that one relevant Board of Adjustment case has been heard on properties within one mile of the subject property. A summary of this variance request is as follows:
 - Case **BA2004010** was a variance request to permit a proposed detached accessory structure (garage) to setback 14 feet from the side (east) property line where 30 feet is the minimum required in the Rural-43 zoning district. The request was denied by the Board of Adjustment with stipulations. The property is located approximately one-mile northeast of the subject property at 24321 W. Saguaro Vista Court in the Patton Place Estates Unit 2 subdivision.

Plan Analysis:

17. This is a variance request to allow a proposed single-family residence to setback 27.75 feet from the rear (west) property line where 40 feet is the minimum required in the Rural-43 zoning district. The request came about during the building permit review process when the applicant was informed that the proposed location of the single-family residence did not meet the required setbacks for the site.
18. The single-family residence proposed on the subject site measures 3,932-square feet in area, including a two-car garage and covered patio. The residence would be located on the western portion of the property. The need for the variance request is due to the topographical hardship associated with the large wash that cuts across the center of the 1.11-acre site in a northwest the southeast direction. The existence of the wash on the site also limits the possible location of a septic system on the site. The applicant states that percolation tests conducted on the site limit the possible locations of a septic system to the proposed location near the center of the property between the proposed residence and the wash.
19. The site is also impacted by the location of the Patton Road on the southern property boundary and 251st Avenue along the eastern property boundary of the site. Both Patton Road and 251st Avenue are designated by the Maricopa County Department of Transportation (MCDOT) as section-line roads, therefore requiring a 55-foot right-of-way dedication from the centerline of each road. Staff notes that the eastern property boundary, which abuts 251st Avenue, is considered to be the front yard of the property, while Patton Road is considered to be a street side for the site. The southern and eastern property lines of the subject site currently setback 40-feet from the centerline of both Patton Road and 251st. Due to the total right-of-way dedication of 55-feet that is required, an additional 15-feet of right-of-way dedication from both the southern and

eastern property lines must be taken. The standard front yard and street side setbacks are taken from the edge of the 55-foot right-of-way dedication.

20. The total setback for the southern property boundary is 35-feet, which includes the 15-feet of additional right-of-way and the required 20 foot street side setback. The total setback for the eastern property boundary is 55-feet, which includes the 15-feet of additional right-of-way and the required 40 foot front yard setback.
21. The applicant has proposed the current location of the residence in order to avoid constructing the residence in the wash that bisects the subject site from the northwest to southeast. The existence of the wash and the physical constraints of the two separate section-line roads that impact the site justify the need for relief from the standard zoning requirements. Staff notes that both the eastern and western portions of the subject site that are created by the wash are relatively flat and level. However, the building envelope on the eastern portion of the site is reduced by the existence of the additional setback required for the 251st Avenue right-of-way dedication. This makes the western portion of the site far more suitable for construction than the eastern half.
22. Staff notes that there is the possible alternative of reducing the size or reconfiguring the shape of the residence in order to possibly make the structure fit within the required setbacks. However, the applicant is proposing to build a residence which will result in an 8.1% lot coverage, well within the allowable 15% lot coverage. Staff is of the opinion that there are sufficient grounds to justify granting this variance request, based on the topographical hardship of the existing wash across the site. The existence of the two separate section-line roads along the eastern and southern property boundaries also constrains the size of the building envelope with which the applicant has to work with, by adding an additional front yard and street side setback. Therefore, staff recommends approval of this variance request.

Recommendation: (BA 2005111)

23. Staff recommends **approval** of this variance request based on the following:
 - The relief requested is the minimum required necessary to provide the applicant with full use and enjoyment of the property.
 - There are topographical hardships associated with the subject site.
 - The request does not conflict with the intent of the Zoning Ordinance.
 - Granting this request will not result in a negative impact on surrounding properties.
 - There are physical hardships associated with the subject site.

Subject to the following stipulations:

- a) General compliance with the site plan dated March 10, 2005 and stamped received July 5, 2005.
 - b) The applicant shall apply all necessary permits and/or clearances within 120 days of Board approval.
 - c) Prior to construction, the applicant shall obtain a Floodplain Use Permit from the Flood Control District.
24. If the Board finds that a reasonable use of the property can be made without this variance, then this request should be denied.

nlw

Attachments: Case Map BA 2005111
Zoning Map
Assessor Map
Site Plan
Building Elevations (2 pages)
Floor Plans (1 page)
Application
Supplemental Questionnaire
Environmental Services Memo (1 page)
Flood Control District Memo (1 page)
Photographs (3 pages)